

ESTTA Tracking number: **ESTTA722225**

Filing date: **01/22/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91220510
Party	Defendant Jason Coleman and Jason Anfield
Correspondence Address	NICHOLAS D WELLS KIRTON MCCONKIE PC 1800 WORLD TRADE CENTER, 60 E SOUTH TEMPLE SALT LAKE CITY, UT 84111 UNITED STATES nwells@kmclaw.com
Submission	Request to Withdraw as Attorney
Filer's Name	Nicholas D. Wells
Filer's e-mail	nwells@legendslaw.com, jrupp@kmclaw.com, sglendening@kmclaw.com
Signature	/Nicholas D. Wells/
Date	01/22/2016
Attachments	PLD003 SURF MUD--TTAB Withdrawal as Counsel.pdf(148868 bytes) Surfmud- Proof of service of Withdrawal.pdf(93685 bytes)

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Attorneys for Applicants
Jason Coleman and Jason Anfield

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>EIR NYC LLC,</p> <p>Opposer,</p> <p>vs.</p> <p>JASON COLEMAN AND JASON ANFIELD,</p> <p>Applicants.</p>	<p>Opposition No. 91220510</p> <p>Serial No. 86/335393</p> <p>Mark: SURF MUD</p>
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RENEWED / AMENDED MOTION TO WITHDRAW AS REPRESENTATIVE

COMES NOW Nicholas D. Wells, counsel for Applicants Jason Coleman and Jason Anfield (collectively, “Applicants”), and, pursuant to the Board’s Order [12 TTABVUE], hereby renews or otherwise amends the former motion [11 TTABVUE] for this honorable Board to permit Nicholas D. Wells, the law firm of Kirton McConkie (“KM”), and other KM attorneys assisting on this matter to withdraw as counsel for Applicants as permitted by 37 CFR § 2.19(b).

Counsel for Applicants former motion [11 TTABVUE] inadvertently neglected to include proof of service of the former motion upon the client Applicants. Such service was provided via email. (*See* email dated Dec. 28, 2015, attached hereto as **Exhibit “A”**.) Out of an abundance of caution, counsel has not only included proof of service of the former motion herewith, the instant renewed and/or amended motion to withdraw as representative has also been served upon the client.

In support of the instant renewed and/or amended motion to withdraw as representative, counsel states as follows:

Applicants have ceased communicating with counsel and have not replied to any of counsel’s multiple attempts at correspondence in order to advance this matter.

Without any correspondence from Applicants, counsel has indirectly learned from opposing counsel in a related but different proceeding that Applicants apparently intend to retain new counsel in the matter. Despite multiple attempts at correspondence, counsel has been unable to confirm the veracity of this rumor.

In addition, Applicants have expressed an unwillingness to pay counsel’s legal fees or a reasonable legal retainer to continue work.

Counsel asserts that this withdrawal will cause no prejudice to the rights of Applicants based on the current status of the proceedings.

Counsel affirms that counsel has notified the Applicants of the desire to withdraw from employment, and has allowed time for employment of another practitioner to be obtained.

Counsel affirms that counsel has delivered or will deliver to Applicants, and/or Applicants' replacement counsel to the extent necessary, all papers and property in counsel's possession that relate to this proceeding and to which Applicants are entitled.

Counsel affirms that if any part of a fee paid by Applicants to counsel has not been earned, the unearned part has been refunded to Applicants.

Counsel affirms that the instant renewed and/or amended motion to withdraw as representative has been served on the client Applicants as set forth in the Certificate of Service below.

WHEREFORE, Counsel for Applicants respectfully requests that this Motion to Withdraw as Representative be granted.

Respectfully submitted,

Dated: Salt Lake City, Utah
January 22, 2016

LEGENDS LAW GROUP

By: /s/Nicholas D. Wells
Nicholas D. Wells

Attorney for Applicant
Jason Coleman and Jason Anfield

CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd day of January, 2016, I served a copy of the foregoing RENEWED / AMENDED MOTION TO WITHDRAW AS REPRESENTATIVE on the attorney for the Opposer, as designated below, as well as the client Applicants, by placing said copy in the United States Mail, first class, postage prepaid, addressed as follows:

Luke W. DeMarte
MICHAEL BEST & FRIEDRICH LLP
180 N. Stetson, Suite 2000
Chicago, Il 60601

Jason Anfield
PO Box 655
Bulimba, QLD 4171 Australia

Jason Coleman
PO Box 71
Cotton Tree QLD 4558 Australia

By: /s/Nicholas D. Wells
Nicholas D. Wells

Opposition No.: 91220510
EIR NYC LLC v. Jason Coleman and Jason Anfield

Exhibit A

Exhibit A to Renewed / Amended Motion to Withdraw as
Representative

Joshua S. Rupp

From: Sherry Glendening
Sent: Monday, December 28, 2015 10:36 PM
To: 'info@surfmud.com'; 'jason@bpi.edu.au'
Cc: Joshua S. Rupp; Nicholas Wells
Subject: EiR NYC LLC v. Jason Coleman and Jason Anfield, Trademark Opposition No. 91220510
Attachments: PLD017__TTABVUE 11 Kirton McConkie Request to Withdraw as Attorney-4811-....pdf

Please see the attached document which was filed this afternoon. If you have difficulty viewing the attachment, please contact me via return email or by telephone at the number listed below.

Thank you,

Sherry Glendening
Legal Assistant to Lynn McMurray and Joshua Rupp

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ESTTA Tracking number: **ESTTA716873**

Filing date: **12/28/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91220510
Party	Defendant Jason Coleman and Jason Anfield
Correspondence Address	NICHOLAS D WELLS KIRTON MCCONKIE PC 1800 WORLD TRADE CENTER, 60 E SOUTH TEMPLE SALT LAKE CITY, UT 84111 UNITED STATES nwells@kmclaw.com
Submission	Request to Withdraw as Attorney
Filer's Name	Nicholas D. Wells
Filer's e-mail	nwells@kmclaw.com, jrupp@kmclaw.com, sglendening@kmclaw.com
Signature	/Nicholas D. Wells/
Date	12/28/2015
Attachments	PLD003 SURF MUD--TTAB Withdrawal as Counsel.pdf(159333 bytes)

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Attorneys for Applicants
Jason Coleman and Jason Anfield

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EIR NYC LLC, Opposer, vs. JASON COLEMAN AND JASON ANFIELD, Applicants.	Opposition No. 91220510 Serial No. 86/335393 Mark: SURF MUD
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MOTION TO WITHDRAW AS REPRESENTATIVE

COMES NOW Nicholas D. Wells, counsel for Applicants Jason Coleman and Jason Anfield (collectively, “Applicants”), and hereby moves this honorable Board to permit Nicholas D. Wells, the law firm of Kirton McConkie (“KM”), and other KM attorneys assisting on this matter to withdraw as counsel for Applicants as permitted by 37 CFR § 2.19(b).

Applicants have ceased communicating with counsel and have not replied to any of counsel’s multiple attempts at correspondence over the last several weeks.

Without any correspondence from Applicants, counsel has indirectly learned from opposing counsel in a related but different proceeding that Applicants apparently intend

to retain new counsel in the matter. Despite multiple attempts at correspondence, counsel has been unable to confirm the veracity of this rumor.

In addition, Applicants have expressed an unwillingness to pay counsel's legal fees or a reasonable legal retainer to continue work.

Counsel asserts that this withdrawal will cause no prejudice to the rights of Applicants based on the current status of the proceedings.

Counsel affirms that counsel has notified the Applicants of the desire to withdraw from employment, and has allowed time for employment of another practitioner to be obtained.

Counsel affirms that counsel has delivered or will deliver to Applicants all papers and property in counsel's possession that relate to this proceeding and to which Applicants are entitled.

Counsel affirms that if any part of a fee paid by Applicants to counsel has not been earned, the unearned part has been refunded to Applicants.

WHEREFORE, Counsel for Applicants respectfully requests that this Motion to Withdraw as Representative be granted.

Dated: Salt Lake City, Utah
December 28, 2015

Respectfully submitted,

KIRTON MCCONKIE

By: /s/Nicholas D. Wells

Nicholas D. Wells
1800 World Trade Center
60 E. South Temple
Salt Lake City, Utah 84111
(801) 328-3600
nwells@kmclaw.com
Attorney for Applicant
Jason Coleman and Jason Anfield

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of December, 2015, I served a copy of Applicant's MOTION TO WITHDRAW AS REPRESENTATIVE on the attorney for the Opposer, as designated below, by placing said copy in the United States Mail, first class, postage prepaid, addressed as follows:

LUKE W. DEMARTE
MICHAEL BEST & FRIEDRICH LLP
180 N. STETSON, SUITE 2000
CHICAGO, IL 60601

By: /s/Nicholas D. Wells

Nicholas D. Wells
1800 World Trade Center
60 E. South Temple
Salt Lake City, Utah 84111